

STANLEY DEGONIA,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:06CV1601 CDP
)	
MICHAEL BOWERSOX,)	
)	
Respondent.)	

I have also considered whether to issue a certificate of appealability. To grant a certificate of appealability, the Court must find a substantial showing of the denial of a federal constitutional right. See *Tiedeman v. Benson*, 122 F.3d

518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings. Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997) (citing Flieger v. Delo, 16 F.3d 878, 882-83 (8th Cir. 1994)). Because petitioner has not made such a showing, I will not issue a certificate of appealability.


Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation filed on March 13, 2009 [#23] is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that Petitioner Stanley DeGonia's Petition for Writ of Habeas Corpus [#1] is denied.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

A separate judgment in accordance with this Memorandum and Order is entered this same date.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of September, 2009.